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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Robert M. LORENCE et al

Serial No. **08/260,536**

Filed: **June 16, 1994**

For: **METHODS FOR TREATING AND
DETECTING CANCER USING VIRUSES**



Atty. Ref.: 2370-11

Group: 1648

Examiner: L. Scheiner

#41

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**PETITION FOR WITHDRAWAL OF
IMPROPERLY ISSUED NOTICE OF ABANDONMENT**

On May 24, 1999, the Patent Office improperly issued a Notice of Abandonment for failure to respond to the Office Letter mailed February 18, 1999. The February 18, 1999 Office Letter, reads

"Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a)."

Section 1.136(a) reads

"(a)(1) If an applicant is required to reply within a nonstatutory or shortened statutory time period, applicant may extend the time period for reply up to the earlier of the expiration of any maximum

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period set by statute or five months after the time period set for reply, if a petition for an extension of time and the fee set in §1.17(a) are filed. . .

A petition for a five month extension of time (five months from March 20 since 30 days was longer than 1 month), the fee and a response to the Office Letter dated February 18, 1999 are attached.

For the above-noted reasons, petition for withdrawal of the Notice of Abandonment is made. It is requested that this Petition fee be refunded since this Petition was necessitated due to an error by the Patent Office.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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